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10/773,912

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Constantine A. Domashnev

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EXAMINER

SEREBOFF, NEAL

ART UNIT

PAPER NUMBER

3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/773,912

Applicant(s)

DOMASHNEV, CONSTANTINE A.

Examiner

Neal R. Sereboff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/20/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1 – 22 are pending and the Information Disclosure Statement (PTO-1449) submitted on 9/20/2004 has been considered.

Claim Objections

2. Claim 8 is objected to because of the following informalities: Claim 8 ends with a semi-colon (;) whereas claim 8 should end with a period (.). Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13 – 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 contains the step of “making a selection consisting one of (i) the first bid, and (ii) the second bid.” The specification states, “Having the above bid information allows the patient to review the bids and then to select the bid that most closely matches the patients needs.” Further the specification states that the “patient selects a bid.” The selection generated by the individual might be considered “useful” in the sense that the choice may be used to determine the best bid. However, §101 requires that the results be reproducible. In the instant case, the selection of bids is the result of subjective feelings about bid components. Even that same person might generate different results at different times for the same conditions, as when the person might feel differently about the conditions at a later time. Moreover, since the result is subjective and dependent on a cognitive process, a person can be dishonest about how the person actually thinks a condition should be weighted, and select any bid available. The subjective component of the

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invention is not amenable to reproducibility of a result. Claims 14 – 16 are rejected as being dependent upon claim 13.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 13** are rejected under 35 U.S.C 102(e) as being anticipated by Henley, U.S.

Pre-Grant Publication Number 2002/0065758 (see reference A on the attached PTO-892).

7. As per claim 1, Henly teaches an electronic prescription handling system comprising:

- A first computer configured (see paragraph 63) to transmit a prescription (see paragraph 40 where the system is configured for prescription medication and the offering is for a prescription);
- A server communicatively connected to the first computer (see paragraph 32 where the server is connected by the Internet), wherein the server is configured to receive the prescription from the first computer (see paragraph 40 where the process is for prescriptions);
- A first pharmacy having a first pharmacy computer communicatively connected to the server, wherein:
 - The first pharmacy computer is configured to retrieve the prescription from the server (see paragraph 93 where plurality includes a first pharmacy computer); and

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- The first pharmacy computer is configured to transmit a first bid for the prescription to the server (see paragraph 100 where the service is a prescription), wherein the first bid is stored on the server (see paragraph 100 where the global database is on the server);
- A second pharmacy having a second pharmacy computer communicatively connected to the server, wherein:
 - The second pharmacy computer is configured to retrieve the prescription from the server (see paragraph 93 where plurality includes a second pharmacy computer); and
 - The second pharmacy computer is configured to transmit a second bid for the prescription to the server (see paragraph 100 where the service is a prescription), wherein the second bid is stored on the server (see paragraph 100 where the global database is on the server); and
- A second computer communicatively connected to the server, wherein:
 - The second computer is configured to retrieve the first bid and the second bid (see paragraph 101 where the buyers are on the second computer);
 - The second computer is configured to select one of (i) the first bid, and (ii) the second bid (see paragraph 101 where the bids are for the medical service that according to paragraph 93 could also be for prescriptions);
- When the first bid is selected, the first pharmacy fills the prescription (see paragraph 102 where the parties of the transaction are the winning bidders); and

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- When the second bid is selected, the second pharmacy fills the prescription (see paragraph 102 where the parties of the transaction are the winning bidders).

8. As per claim 13, Henley teaches a method for issuing a prescription, the method comprising the steps of:

- Transmitting a prescription from a first computer (see paragraph 40 where the system is configured for prescription medication and the offering is for a prescription);
- Receiving the prescription on a server (see paragraph 40 where the process is for prescriptions);
- Retrieving the prescription from the server (see paragraph 93 where plurality includes a first pharmacy computer);
- Submitting a first bid for the prescription to the server from a first pharmacy having a first pharmacy computer (see paragraph 100 where the service is a prescription);
- Submitting a second bid for the prescription to the server from a second pharmacy having a second pharmacy computer (see paragraph 100 where the service is a prescription);
- Storing the first bid and the second bid on the server (see paragraph 100 where the global database is on the server);
- Transmitting the first bid and the second bid to a second computer (see paragraph 101 where the buyers are on the second computer);
- Viewing the first bid and the second bid on the second computer (see paragraph 101);
- Making a selection consisting of one of (i) the first bid, and (ii) the second bid (see paragraph 102);

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- Transmitting the selection to the server (see paragraph 102 where the server makes the selection and the pharmacies notice the selection); and
- Informing one of (i) the first pharmacy, and (ii) the second pharmacy to fill the prescription (see paragraph 102 where the parties of the transaction are the winning bidders).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 2 – 5, and 14 – 15** are rejected under 35 U.S.C 103(a) as being unpatentable over Henley, U.S. Pre-Grant Publication Number 2002/0065758 (see reference A on the attached PTO-892) in view of Chan et al., U.S. Pre-Grant Publication Number 2001/0039503 (see reference B on the attached PTO-892).

11. As per claim 2, Henley teaches the system of claim 1 as described above.

Henley does not explicitly teach the electronic prescription handling system further comprising a portable storage medium configured to be interfaced with the first computer, wherein the portable storage medium includes an application for transmitting a digital certificate to the server when the portable storage medium interfaces with the first computer.

Chan teaches the electronic prescription handling system further comprising a portable storage medium configured to be interfaced with the first computer (see paragraph 83 where the portable medium is a CD-ROM), wherein the portable storage medium includes an application (see

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paragraph 83 where the software is stored on the CD-ROM) for transmitting a digital certificate (see paragraph 37) to the server when the portable storage medium interfaces with the first computer (see paragraph 10 where a physician is an authorized user and so has his own certificate and paragraph 23 where the software can access the network once connected).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into Henley. One of ordinary skill in the art would have motivated to incorporate these features into Henley to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

12. As per claim 3, Henley in view of Chan teaches the system of claim 2 as described above. Henley does not explicitly teach the electronic prescription handling system wherein the portable storage medium is one of (i) a CD-ROM, (ii) a DVD-ROM, and (iii) flash memory.

Chan teaches the electronic prescription handling system wherein the portable storage medium is one of (i) a CD-ROM, (ii) a DVD-ROM, and (iii) flash memory (see paragraph 83 where the portable storage medium is a CD-ROM).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley. One of ordinary skill in the art would have motivated to incorporate this feature into Henley to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

13. As per claim 4, Henley in view of Chan teaches the system of claim 2 as described above.

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Henley does not explicitly teach the electronic prescription handling system wherein the server is configured to authenticate the digital certificate.

Chan teaches the electronic prescription handling system wherein the server is configured to authenticate the digital certificate (see paragraph 34).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley. One of ordinary skill in the art would have motivated to incorporate this feature into Henley to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

14. As per claim 5, Henley in view of Chan teaches the system of claim 4 as described above. Henley further teaches the electronic prescription handling system wherein the server is configured to transmit a prescription entry web page to the first computer upon the server authenticating (see paragraph 120 where the registration process includes authentication the pharmacist).

Henley does not explicitly teach the electronic prescription handling system wherein the server is configured to transmit a prescription entry web page to the first computer upon the server authenticating the digital certificate.

Chan teaches the electronic prescription handling system wherein the server is configured to transmit a prescription entry web page to the first computer upon the server authenticating the digital certificate (see paragraph 34).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley. One of ordinary skill in the art would have

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motivated to incorporate this feature into Henley to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

15. As per claim 14, Henley teaches the method of claim 13 as described above.

Henley does not explicitly teach the steps of:

- Interfacing a portable storage medium with the first computer, wherein the portable storage medium includes an application for transmitting a digital certificate; and
- Transmitting the digital certificate to the server.

Chan teaches the steps of:

- Interfacing a portable storage medium with the first computer (see paragraph 83 where the portable medium is a CD-ROM), wherein the portable storage medium includes an application (see paragraph 83 where the software is stored on the CD-ROM) for transmitting a digital certificate (see paragraph 37); and
- Transmitting the digital certificate to the server (see paragraph 10 where a physician is an authorized user and so has his own certificate and paragraph 23 where the software can access the network once connected).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into Henley. One of ordinary skill in the art would have motivated to incorporate these features into Henley to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

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16. As per claim 15, Henley in view of Chan teaches the method of claim 14 as described above.

Henley teaches the step of transmitting a prescription entry web page to the first computer (see paragraph 120 where the registration process includes authentication the pharmacist).

Henley does not explicitly teach the step of authenticating the digital certificate on the server.

Chan teaches the step of authenticating the digital certificate on the server (see paragraph 34).

17. **Claims 6 – 11** are rejected under 35 U.S.C 103(a) as being unpatentable over Henley, U.S. Pre-Grant Publication Number 2002/0065758 (see reference A on the attached PTO-892) in view of Chan et al., U.S. Pre-Grant Publication Number 2001/0039503 (see reference B on the attached PTO-892) as applied to claims 2 through 5 above, and further in view of McCormick, U.S. Pre-Grant Publication Number 2002/0035484 (see reference C on the attached PTO-892).

18. As per claim 6, Henley in view of Chan teaches the system of claim 5 as described above. Henley further teaches the electronic prescription handling system wherein the server comprises a physician database (see paragraph 85).

Chan further teaches the electronic prescription handling system wherein the server comprises a physician database utilized to authenticate the digital certificate (see paragraph 34).

Henley in view of Chan does not explicitly teach the electronic prescription handling system wherein the server comprises a pharmaceutical database for storing a plurality of drug formularies therein.

McCormick teaches the electronic prescription handling system wherein the server comprises a pharmaceutical database for storing a plurality of drug formularies therein (see paragraph 45).

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It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan as above. One of ordinary skill in the art would have been motivated to incorporate this feature into Henley in view of Chan to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9) and to eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

19. As per claim 7, Henley in view of Chan and McCormick teach the system of claim 6 as described above.

Henley teaches the electronic prescription handling system wherein the server further comprises:

- A prescription database for storing the prescription received from the first computer (see paragraph 40)
- A patient database for storing patient information (see paragraph 131);
- A bid database for storing the first bid and the second bid (see paragraph 124).

Henley in view of Chan do not explicitly teach the electronic prescription handling system wherein the server further comprises a pharmacy database for storing pharmacy data.

However, McCormick teaches the electronic prescription handling system wherein the server further comprises a pharmacy database for storing pharmacy data (see paragraph 96 where the pharmacy data includes physicians signatures).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan as above. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan to

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eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

20. As per claim 8, Henley in view of Chan and McCormick teach the system of claim 7 as described above. Henley further teaches the electronic prescription handling system wherein the patient information comprises at least one of (i) an insurance provider identifier for a patient, (ii) a medical history for the patient, (iii) a drug interaction list for the patient, and (iv) an allergic reaction list for the patient (;) (see paragraph 127 where the patient information includes the patient medical history).

21. As per claim 9, Henley in view of Chan and McCormick teach the system of claim 7 as described above.

Henley in view of Chan does not explicitly teach the electronic prescription handling system wherein the pharmacy data comprises contact information for one of (i) the first pharmacy and, (ii) the second pharmacy.

However, McCormick teaches the electronic prescription handling system wherein the pharmacy data comprises contact information for one of (i) the first pharmacy and, (ii) the second pharmacy (see paragraph 89 where the terminal is connected to the pharmacy information through the network as described in paragraph 61).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan as above. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan to eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

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22. As per claim 10, Henley in view of Chan and McCormick teach the system of claim 9 as described above.

Henley in view of Chan does not explicitly teach the electronic prescription handling system wherein the server is further configured to transmit at least one of (i) an address of the first pharmacy or second pharmacy, and (ii) a set of directions from the first pharmacy or second pharmacy to an address specified by the second computer.

However, McCormick teaches the electronic prescription handling system wherein the server is further configured to transmit at least one of (i) an address of the first pharmacy or second pharmacy, and (ii) a set of directions from the first pharmacy or second pharmacy to an address specified by the second computer (see paragraph 89).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan as above. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan to eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

23. As per claim 11, Henley in view of Chan and McCormick teach the system of claim 10 as described above.

Henley in view of Chan does not explicitly teach the electronic prescription handling system wherein the server is further configured to transmit a map illustrating the address on the map of one of (i) the first pharmacy, and (ii) the second pharmacy.

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However, McCormick teaches the electronic prescription handling system wherein the server is further configured to transmit a map illustrating the address on the map of one of (i) the first pharmacy, and (ii) the second pharmacy (see paragraph 90).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan as above. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan to eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

24. **Claims 12 and 16** are rejected under 35 U.S.C 103(a) as being unpatentable over Henley, U.S. Pre-Grant Publication Number 2002/0065758 (see reference A on the attached PTO-892) in view of McCormick, U.S. Pre-Grant Publication Number 2002/0035484 (see reference C on the attached PTO-892).

25. As per claim 12, Henley teaches the system of claim 1 as described above.

Henley does not explicitly teach the electronic prescription handling system wherein the first pharmacy is one of a brick-and-mortar pharmacy and an online pharmacy.

McCormick teaches the electronic prescription handling system wherein the first pharmacy is one of a brick-and-mortar pharmacy and an online pharmacy (see paragraph 90 where the mail order pharmacy is accessed through the online terminal).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley. One of ordinary skill in the art would have motivated to incorporate this feature into Henley to eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

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26. As per claim 16, Henley teaches the method of claim 13 as described above.

Henley does not explicitly teach the steps comprising:

- Transmitting to the second computer at least one of contact information of one of (i) the first pharmacy, and (ii) the second pharmacy;
- A set of directions from one of (i) the first pharmacy, and (ii) the second pharmacy to an address specified by the second computer; and
- A map illustrating an address on the map of one of (i) the first pharmacy, and (ii) the second pharmacy.

However, McCormick teaches the steps comprising:

- Transmitting to the second computer at least one of contact information of one of (i) the first pharmacy, and (ii) the second pharmacy (see paragraph 89 where the terminal is connected to the pharmacy information through the network as described in paragraph 61);
- A set of directions from one of (i) the first pharmacy, and (ii) the second pharmacy to an address specified by the second computer (see paragraph 90); and
- A map illustrating an address on the map of one of (i) the first pharmacy, and (ii) the second pharmacy (see paragraph 90).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley as above. One of ordinary skill in the art would have motivated to incorporate this feature into Henley to eliminate inefficiencies at the doctor's office in generating the prescription (see McCormick paragraph 5).

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27. **Claims 17 – 22** are rejected under 35 U.S.C 103(a) as being unpatentable over Henley, U.S. Pre-Grant Publication Number 2002/0065758 (see reference A on the attached PTO-892) in view of Chan et al., U.S. Pre-Grant Publication Number 2001/0039503 (see reference B on the attached PTO-892) and Felsher, U.S. Pre-Grant Publication Number 2002/0010679 (see reference D on the attached PTO-892).

28. As per claim 17, Henley teaches an electronic prescription handling system comprising:

- A computer (see paragraph 32);
- A server communicatively connected to the computer (see paragraph 32);
- Further wherein a user of the computer enters a prescription (see paragraph 93 where a medical service is defined as a pharmacy) into the prescription entry web page (and paragraph 94 where the prescription service is entered), and thereafter the computer transmits the prescription to the server (see paragraph 94).

Henley does not explicitly teach an electronic prescription handling system comprising:

- A portable storage medium configured to interface with the computer;
- An application residing on the portable storage medium, wherein the application is configured to execute once the portable storage medium interfaces with the computer, further wherein the application is configured to transmit a digital certificate to the server upon the application sensing a network connection to the server; and
- Means for authenticating the digital certificate on the server, wherein when the digital certificate is positively authenticated, the server transmits a prescription entry web page to the computer.

However, Chan teaches an electronic prescription handling system comprising:

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- A portable storage medium configured to interface with the computer (see paragraph 83 where the portable medium is a CD-ROM);
- An application residing on the portable storage medium (see paragraph 83 where the software is stored on the CD-ROM), and
- Means for authenticating the digital certificate on the server (see paragraph 73), wherein when the digital certificate is positively authenticated (see paragraph 73), the server transmits a prescription entry web page to the computer (see paragraph 65 where the GUI is a web page and the level is restricted to the physician).

And Felsher teaches an electronic prescription handling system comprising:

- An application residing on the portable storage medium wherein the application is configured to execute once the portable storage medium interfaces with the computer, further wherein the application is configured to transmit a digital certificate (see paragraph 245 where the key is stored on the portable medium).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into Henley. One of ordinary skill in the art would have motivated to incorporate these features into Henley to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9) and to provide a comprehensive set of technologies to address the full scope of issues presented in implementing a secure and versatile medical information infrastructure that respects the rights of patients (see Felsher paragraph 190).

29. As per claim 18, Henley in view of Chan and Felsher teach the system of claim 17 as described above.

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Henley does not explicitly teach the electronic prescription handling system wherein the portable storage medium is one of (i) a CD-ROM, (ii) a DVD-ROM, and (iii) flash memory.

However, Chan teaches the electronic prescription handling system wherein the portable storage medium is one of (i) a CD-ROM, (ii) a DVD-ROM, and (iii) flash memory (see paragraph 83 where the portable storage medium is a CD-ROM).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan and Felsher. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan and Felsher to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

30. As per claim 19, Henley in view of Chan and Felsher teach the system of claim 17 as described above.

Henley does not explicitly teach the electronic prescription handling system wherein the digital certificate identifies a physician.

However, Chan teaches the electronic prescription handling system wherein the digital certificate identifies a physician (see paragraph 73 where the user is a physician).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan and Felsher. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan and Felsher to facilitate access to and utilization of the associated data stores and resources by the major participants in the health and wellness program (see Chan paragraph 9).

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31. As per claim 20, Henley in view of Chan and Felsher teach the system of claim 18 as described above.

Henley does not explicitly teach the electronic prescription handling system wherein the digital certificate is hidden on the portable storage medium.

However, Felsher teaches the electronic prescription handling system wherein the digital certificate is hidden on the portable storage medium (see paragraph 247 where the certificate is the hidden message).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan and Felsher. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan and Felsher to provide a comprehensive set of technologies to address the full scope of issues presented in implementing a secure and versatile medical information infrastructure that respects the rights of patients (see Felsher paragraph 190).

32. As per claim 21, Henley in view of Chan and Felsher teaches the system of claim 20 as described above.

Henley does not explicitly teach the electronic prescription handling system wherein the digital certificate cannot be copied from the portable storage medium.

However, Felsher teaches the electronic prescription handling system wherein the digital certificate cannot be copied from the portable storage medium (see paragraph 247).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into Henley in view of Chan and Felsher. One of ordinary skill in the art would have motivated to incorporate this feature into Henley in view of Chan and

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Felsher to provide a comprehensive set of technologies to address the full scope of issues presented in implementing a secure and versatile medical information infrastructure that respects the rights of patients (see Felsher paragraph 190).

33. As per claim 22, Henley in view of Chan and Felsher teaches the system of claim 19 as described above. Henley further teaches the electronic prescription handling system wherein the server transmits the prescription to a pharmacy (see paragraph 93 where plurality includes a first pharmacy computer).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on (571) 272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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